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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,759	05/26/2004	Donald A. Collins JR.		2998
43356	7590	09/21/2005		
DONALD A. COLLINS, JR. 387 CHESTATEE VIEW DRIVE DAWSONVILLE, GA 30534			EXAMINER LABAZE, EDWYN	
			ART UNIT 2876	PAPER NUMBER
DATE MAILED: 09/21/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,759

Applicant(s)

COLLINS, DONALD A.

Examiner

EDWYN LABAZE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/11/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of IDS filed on 1/31/2005.
2. Receipt is acknowledged of amendments filed on 5/16/2005.
3. Claims 1-10 are presented for examination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (U.S. 6,722,562).

Re claim 1: Weiss discloses method for accurate and secure voting, which includes an automated teller machine/ATM 12, 13, 14 (as shown in fig. # 1), a voting server 16 (col.3, lines 10+). Weiss further teaches that the ATM are accurate and well controlled means of depositing money to accounts, wherein the same machines could be used to deposit votes to a candidate's account (col.2, lines 15+).

Weiss fails to specifically teach means of transferring funds to a candidate's secure bank account.

However, since the system (through the ATM and provided software) is designed to control means of depositing money to accounts, wherein the same machines could be used to deposit votes to a candidate's account, the specific structure of depositing money or transferring

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funds into a candidate's secure bank account falls within a simple modification of the ATM software.

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Weiss means of transferring funds to a candidate's secure bank account for the purpose of registering a vote. Furthermore, such modification [through some adjustment of the ATM software in cooperation of the voter's and candidate's financial institutions] would allow the voter while contributing money/donation [as a well known and legalized act by the federal government] to register to vote for the candidate to whom the money/donation is being transferred, and also such modification would permit the board to election to accurately obtain a poll of the voter's choice before and/or during the elections. Moreover, such modification would have been an obvious extension as taught by Weiss, therefore an obvious expedient.

Re claim 2: Weiss teaches a system and method, wherein said existing financial system hardware, software, keyboard, display, or printer is used to view, select, or record voter choices (col.2, lines 20-33).

Re claim 3: Weiss discloses a system and method, wherein the existing financial system software, hardware, and network is used to register a vote during a predefined time duration (col.2, lines 40-67).

Re claim 4: Weiss teaches a system and method, wherein said existing financial system software, hardware, and network is used to transport a programmable ballot image [which is used for absentee voters] for use by the voter to register a vote (col.3, lines 25-36).

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Re claim 5: Weiss discloses a system and method, wherein said existing financial system software, hardware, and network is used to display a programmable ballot image on a touch screen or display system used by said voter to register a vote (col.3, lines 1+).

Re claim 6: Weiss teaches a system and method, wherein the existing financial system including automatic teller machine 12, 13, 14 located at a bank, gas-station, grocery store, or other conveniently accessible location [herein Weiss discloses the ATM system with adequate security could used at any location on the globe] is used to register a vote (col.3, lines 33+).

Re claim 7: Weiss discloses a system and method, wherein the existing financial system includes using a personal computer [herein Weiss discloses that it would be possible to connect the ATM system to a server using the Internet, wherein a voter would need a personal computer to utilize said voting system] to register a vote (col.3, lines 25-30).

Re claim 8: Weiss teaches a system and method, wherein the existing financial system hardware, regardless of local, is used to print a paper receipt that contains the voter's choices (col.1, lines 50+).

Re claim 9: Weiss discloses a system and method, wherein the voter's electronic or paper bank account statement shows voter's past voting activity for the statement period (col.1, lines 50+).

Re claim 10: Weiss teaches a system and method, wherein the candidate's electronic or paper bank account [Weiss discloses that the ATM voting system is to be used as if a voter is conducted any regular banking operation and the software is designed to print receipt or statement showing voter/user selections] statement shows cumulative voter activity for the

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candidate and can be used to show real-time, accurate election results for that candidate (col.2, lines 50+).

Response to Arguments

6. Applicant's arguments filed 5/16/2005 have been fully considered but they are not persuasive.

The applicant argues that the references (cited by the applicant in the IDS filed on 1/31/2005) predate the prior art {Weiss, U.S. 6,722,562} and invalidate Weiss as they teach similar techniques (see page 6, lines 4+ of applicant's remarks).

The examiner respectfully disagrees with the applicant's remarks because the MPEP stated that any patent, published application filed or published prior the filing date of the claimed invention can be used a valid reference to reject a claimed invention.

The applicant argues that it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings Weiss means of transferring funds to a candidate's secure bank account for the purpose of registering a vote (see page 6, lines 12+ of applicant's remarks).

The examiner respectfully disagrees with the applicant's remarks for the following reasons:

1) Weiss teaches that ATM machines are accurate and well controlled means of depositing money to accounts {whether to a personal account or into another account, well known in the art as exemplified by the examiner in U.S. references 5,963,647 of Downing et al., which teaches method and system for transferring funds from an account to an individual using an ATM or CAT/customer activated terminal; 5,825,003 of Jennings et al., which teaches

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customer-directed, automated process for transferring funds between accounts using a holding account and a local processing}. These same machines, through simple software modifications, could be used to deposit votes to a candidate's "account". Therefore, it would have been obvious to modify the software of Weiss so as to include means of transferring money/funds as a donation to a candidate onto the candidate's account.

2) Weiss teaches secure transaction using PIN number to enable the ATM to read the access cards (as disclosed on page 9, paragraphs 0037+ in the specifications of the claimed invention). Furthermore, the applicant fails to describe the candidate's secure bank account.

Since the prior art teaches means of using to register a vote to a candidate's account, means of depositing money to accounts, therefore it would have been obvious to modify the software of Weiss so as to include means of transferring money/funds as a donation to a candidate onto the candidate's account {wherein said account could be a bank account and money received from the user/customer is legalized as a donation for voting purposes}. The examiner retains the rejections as set forth above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

King et al. (US 2003/0233318) discloses systems and methods for fund transfers.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
September 7, 2005



THIEN M. LE
PRIMARY EXAMINER